

REMARKS

In the non-final Office Action mailed on December 11, 2006, claims 1-45 were pending. Claims 17-45 were withdrawn as being directed to a non-elected invention. Claims 17-45 have been cancelled in this response. Claims 1 and 16 have been amended, and claims 46-74 have been added. Reconsideration of the present application as amended and including claims 1-16 and 46-74 is respectfully requested.

The specification has been amended above to correct various typographical errors and informalities discovered by the applicant. The proposed amendments do not present new matter. Entry of the amendments to the specification is respectfully requested.

Various objections were made to the drawings. Attached hereto are "Annotated Sheets" showing proposed corrections to the drawings. Also enclosed are "Replacement Sheets" that replace all the informal drawings filed with the present application with the enclosed formal drawings. The replacement sheets include the proposed changes indicated on the "Annotated Sheets".

With regard to the objections to the drawings, reference numeral 111 is proposed to be added to Figure 7 in conformance with the specification. The specification has been amended to delete the reference numeral 2424. With regard to reference numeral 64, it is listed in the specification on page 11, line 22 as "passage 64". With regard to reference numeral "239", Fig. 12 has been amended to delete reference numeral "239" and replace it with reference numeral "239". With regard to reference numerals 141 and 142, the specification has been amended to only refer to the mounting axis with reference numeral 142. Accordingly, each of the drawing objections is believed to have been addressed and withdrawal of the same is respectfully requested. Furthermore, reference numeral 206 and its lead line in Figure 3 have been deleted.

Claim 16 was rejected under 35 USC §112, second paragraph since "said clamp assembly" in line 2 thereof was considered to lack antecedent basis. Claim 16 has been amended in a non-narrowing manner to address the rejection and withdrawal of the same is respectfully requested.

Claims 1-7 stand rejected as being unpatentable over U.S. Patent Application Publication No. 2002/0161368 to Foley et al. in view of U.S. Patent No. 3,299,883 to Rubins. Claim 1 has been amended to clarify the relationship between the guide member and the anchor members.

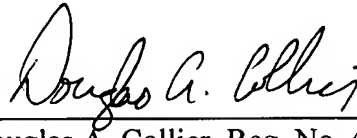
Specifically, claim 1 recites, among other features, “a guide instrument mountable adjacent said proximal ends of said pair of anchor extensions, said guide instrument including a guide member defining a guide axis intersecting said alignment axis when mounted to said pair of anchor extensions, wherein said guide member is rotatable around said proximal ends of said anchor extensions while mounted thereto to reposition said guide axis relative to said anchor extensions while maintaining said guide axis in intersecting relation with said alignment axis.” Support for the amendment is found throughout the specification and drawings, such as, for example, at paragraphs [0035] and [0049] of the publication of the present application.

There is no teaching or suggestion in Foley and Rubins of a guide member having these features. The office action indicates that Foley fails to disclose a guide instrument with a guide member defining a guide axis. Furthermore, Rubins discloses a composite obturator 33 that has three obturator shafts 36, 37, 38. The center shaft 37 extends from the cross-bar 34, and the outer shafts 36, 38 are pivotally coupled to cross-bar 34. However, none of the shafts 36, 37, 38 is rotatable around the proximal ends of the other two shafts to reposition a guide axis while maintaining the guide axis in intersection relation with an alignment axis. In fact, the relative spacing and positioning of the proximal ends of the shafts 36, 37, 38 are fixed along cross-bar 34. Furthermore, the proximal ends of cannulae 1, 30, 31 are engaged to rail member 5 so that none of the cannulae 1, 30, 31 are rotatable around the proximal ends of the other cannulae. Accordingly, the cited references fail to disclose or suggest the features recited in amended claim 1 and withdrawal of this basis of the rejection of claim 1 along with claims 2-7 depending therefrom is respectfully requested.

Claims 46-74 have been added in this response. Claim 46 is directed to the subject matter of original claim 8 and is allowable as indicated in the office action. Claims 47-57 depend from claim 46 are also allowable. Claim 58 is directed to the subject matter of original claim 15 and is also allowable as indicated in the office action. Claims 59-65 depend from claim 58 are also allowable. Claim 66 is similar to original claim 1 but clarifies that the guide member is movable relative to the proximal ends of the anchor extensions while mounted to the proximal ends of the anchor extensions while also maintaining the guide axis in intersecting relation with the alignment axis during such movement. Claims 67-74 depend from claim 66 and are also allowable.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance with pending claims 1-16 and 46-74. Reconsideration of the present application as amended is respectfully requested. Timely action towards a Notice of Allowance is hereby solicited. The Examiner is encouraged to contact the undersigned by telephone to resolve any outstanding matters concerning the present application.

Respectfully submitted,



Douglas A. Collier, Reg. No. 43,556
Krieg DeVault LLP
One Indiana Square, Suite 2800
Indianapolis, IN 46204
(317) 636-4341
(317) 238-6334

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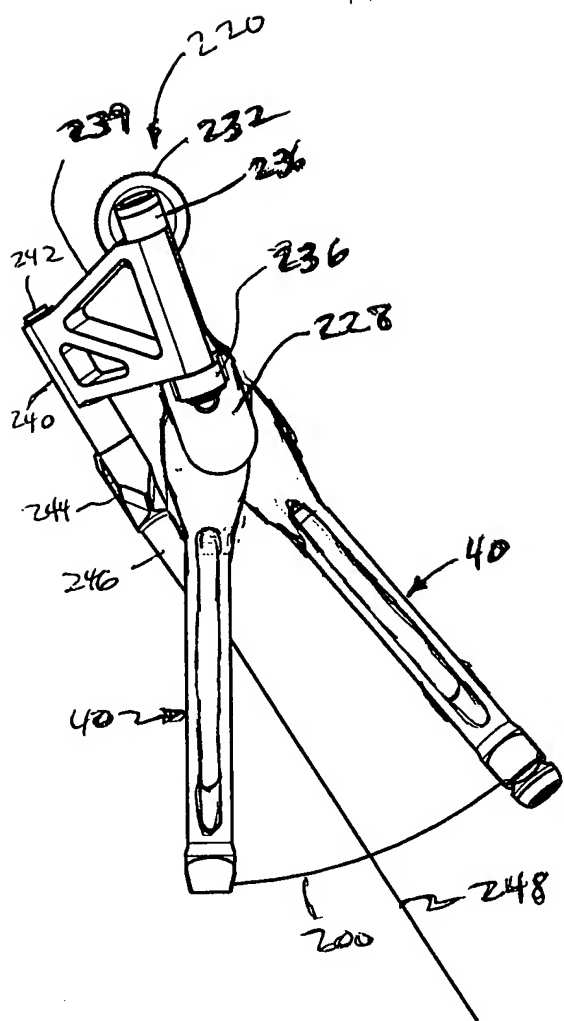


FIG. 11

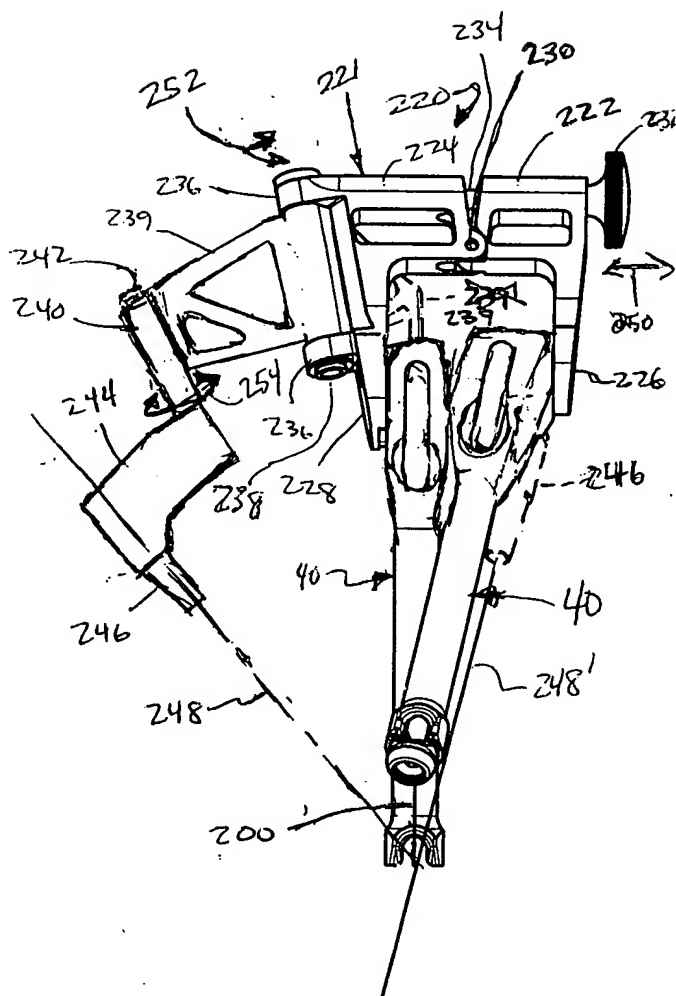


FIG. 12



INSTRUMENTS AND METHODS FOR
SECURING CONNECTING ELEMENTS
ALONG A BONY SEGMENT
Serial No. 10/674,036; Filed September 29, 2003
Inventor(s): Jeff R. Justis
Contact: Douglas A. Collier (317) 238-6333
ANNOTATED SHEET (1 of 3)

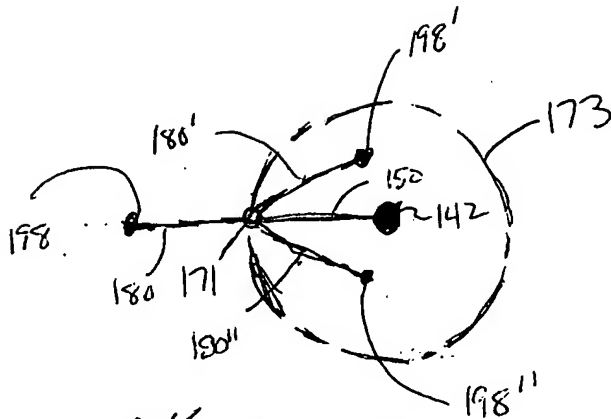


FIG. 2

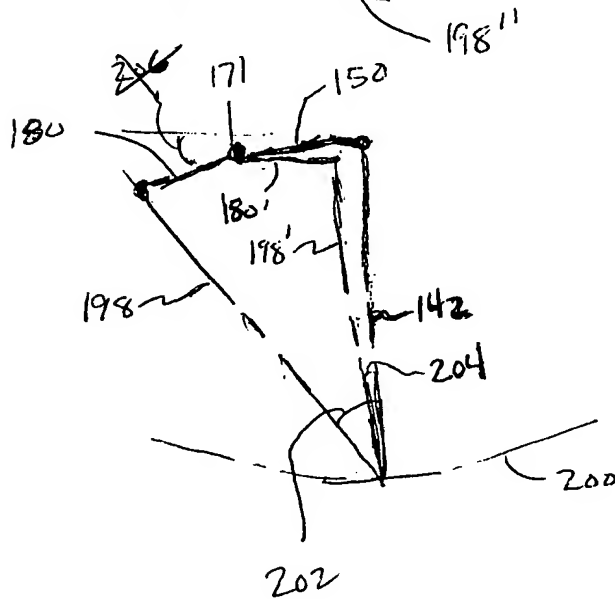


FIG. 3

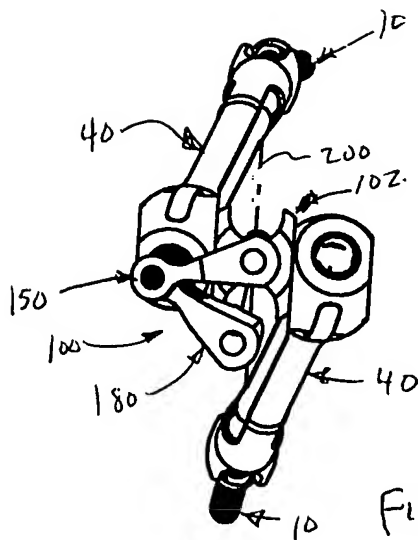


FIG. 8

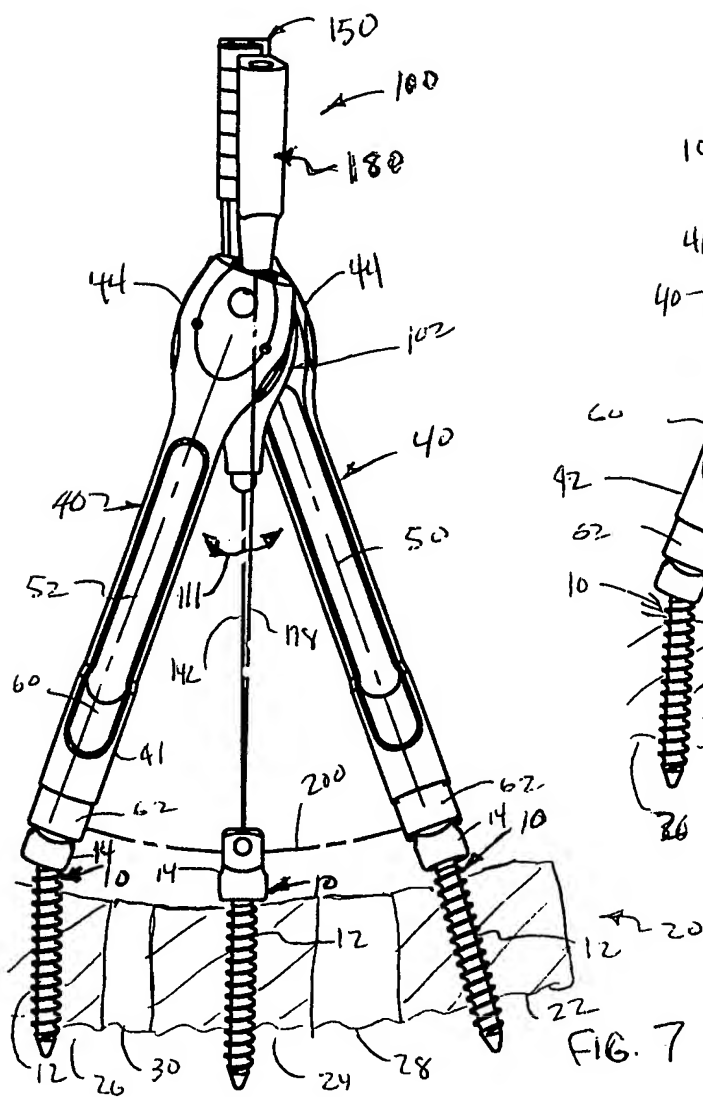


FIG. 7

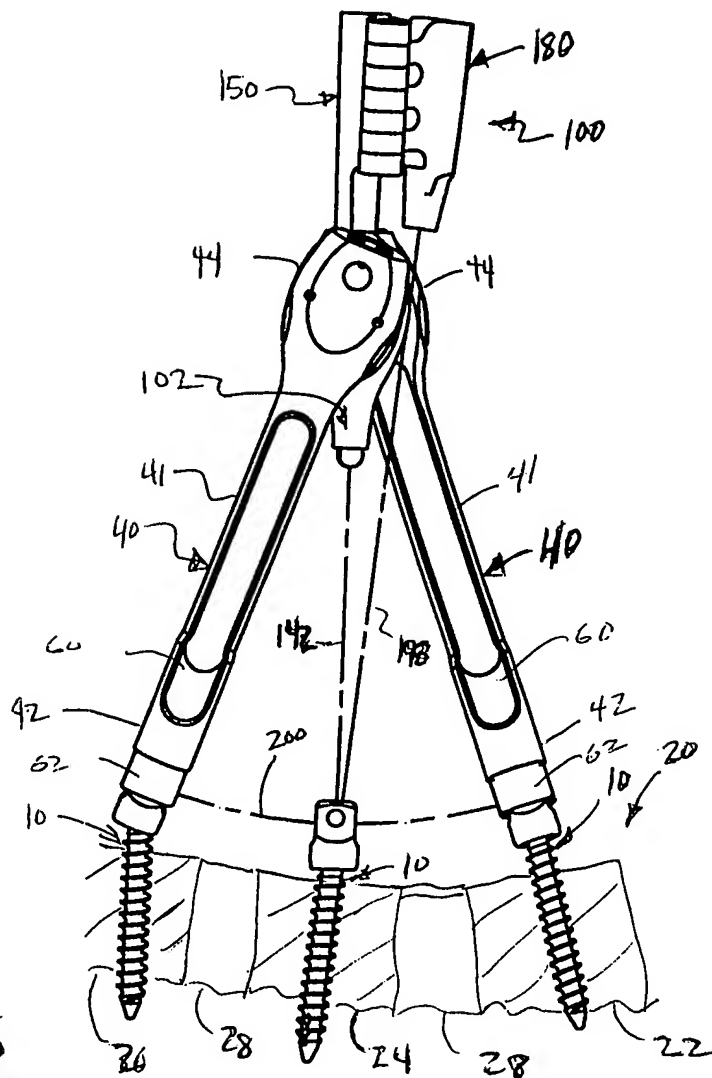


FIG. 9